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## **HOW TO APPEAL AN INVESTIGATION FINDING OF “NO CAUSE” TO THE HUMAN RIGHTS COMMISSION**

**Disclaimer:** The statutes and rules themselves govern; the following list is provided for general guidance.

**The Administrative Rules of Montana are located at:** Administrative Rules of Montana Chapter 24.9  
<http://www.mtrules.org/gateway/chapterhome.asp?chapter=24.9>

**The Statutes are located at:** Montana Code Annotated Title 49 [http://leg.mt.gov/bills/mca\\_toc/49.htm](http://leg.mt.gov/bills/mca_toc/49.htm)

### **Objection**

1. The objection must be received at the Human Rights Bureau by the bolded date listed in the Notice of Dismissal (14 days after the issuance of the Notice of Dismissal).
2. List case name and case number at the top of the page of the objection.
3. State that you disagree with the investigator’s findings and wish to appeal to the Human Rights Commission for their review.
4. The appeal should be double-spaced and in a size 12 font.
5. **If you want oral argument (10 minutes to present your case in person), either request it in your objection or in your first brief at the top of the first page.**
6. The Montana Human Rights Commission is transitioning to electronic filing for all briefing materials. During the transition to e-filing, the Commission requires parties to submit the original of each filing and a digital or electronic file of each document. Digital submissions of less than 5MB may be emailed to [hrcappeals@mt.gov](mailto:hrcappeals@mt.gov). Digital submission larger than 5MB must be submitted on a CD disk and mailed to the Commission with the original filing. For questions about digital submissions, file size, or, if you do not have electronic filing capability, contact the Commission secretary at (406) 444-4356. If you wish, you can fax your appeal to (406)-443-3234 to the attention of the Human Rights Commission and then mail the original.
7. An original of the Objection must be mailed to: Department of Labor and Industry, Human Rights Commission, PO Box 1728, Helena MT 59624. **The Objection must be received by 5:00 p.m. of the due date, not on mailing.**
8. Make sure you mail the objection to the Respondent and send us a document called a Certificate of Service stating that you have mailed the document, the address it was mailed to and the date. (See attached sample.)
9. Upon the receipt of the Objection, the Human Rights Commission will issue a Notice of Consideration and Briefing Schedule that will outline the due dates for briefs to be submitted by

the Charging Party and Respondent. **Briefs regarding an objection are not required; however if briefs are filed, the Charging Party's first brief is due within five business days after the Objection is received by the Human Rights Commission.**

### **Briefing Schedule**

1. After receiving the Notice of Consideration and Briefing Schedule from the Human Rights Commission, the process is similar to the process for filing an objection.
2. The brief supporting the objection will be due in the Human Rights Bureau Office within **five business days** after the Objection has been received.
3. Describe why you disagree with the investigator's finding. The Commission reviews the investigator's findings using an abuse of discretion standard of review. That means the Commission only reverses and remands for hearing if the Commission determines the investigator abused his or her discretion in conducting the investigation as indicated through the Final Investigative Report.
4. The brief cannot be more than 10 pages and should be double-spaced and in a size 12 font.
5. **If you want oral argument (10 minutes to present your case in person), request it in your brief at the top of the first page.**
6. The Montana Human Rights Commission is transitioning to electronic filing for all briefing materials. During the transition to e-filing, the Commission requires parties to submit the original of each filing and a digital or electronic file of each document. Digital submissions of less than 5MB may be emailed to [hrcappeals@mt.gov](mailto:hrcappeals@mt.gov). Digital submission larger than 5MB must be submitted on a CD disk and mailed to the Commission with the original filing. For questions about digital submissions, file size, or, if you do not have electronic filing capability, contact the Commission secretary at (406) 444-4356. If you wish, you can fax your appeal to (406)-443-3234 to the attention of the Human Rights Commission and then mail the original.
7. An original of the brief must be mailed to: Department of Labor and Industry, Human Rights Commission, PO Box 1728, Helena MT 59624. **The Brief must be received by 5:00 p.m. of the due date, not on mailing.** Any briefs filed with the Commission must also include a Certificate of Service showing that a paper copy of the brief was mailed to the opposing party. (See attached sample.)
8. If the Respondent wishes to file an Answer Brief to your brief, they must file with the Commission and mail a copy their brief to you within 10 days of service of the initial brief.
9. If you wish to file a Brief in Reply to the Respondent's brief mentioned above, you must file with the Commission and mail a copy of your brief to the Respondent within 10 days of service of their Answer Brief.